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SUBJECT: CANADA: DEFENCE MINISTER IN HOT SEAT OVER ALLEGED ABUSE OF
AFGHAN DETAINEES

REF: OTTAWA 940; OTTAWA 890

¶1. (SBU) Summary: Canada's opposition parties united on December 9 and 10 to demand the resignation of National Defence Minister Peter MacKay and to institute a public inquiry into allegations that the government ignored credible evidence of abuse at least in 2006 of Afghan detainees transferred by Canadian Forces (CF) to Afghan custody. All three opposition parties alleged that MacKay had misled Parliament by repeatedly denying the existence of credible proof in at least one case of abuse. Chief of the Defence Staff (CDS) General Walter Natynczyk reversed his own December 8 testimony to Parliament and, citing newly received information, acknowledged on December 9 that an individual turned over by CF to Afghan custody in 2006 had been beaten by Afghan interrogators. Prime Minister Stephen Harper appears determined to sit tight, especially given a noticeable lack of public interest in the issue. The more the opposition demands MacKay's resignation, the more likely PM Harper will keep MacKay in place. The government's public support remains steady, and still significantly higher than the Official Opposition Liberal Party. However, with three separate investigations into the detainee issue now ongoing, or pending, the government necessarily remains in damage-control mode, and will continue to be dogged by the controversy into 2010, even though Parliament's six week holiday recess should cool the waters somewhat. End summary.

CORRECTING THE RECORD

¶2. (U) On the morning of December 9, CDS General Natynczyk called a hastily assembled press conference to correct testimony he had provided twenty-four hours earlier to the House of Commons' National Defence Committee. In the course of a briefing on planned withdrawal of CF from Afghanistan (ref a), opposition members had questioned him about a June 2006 incident in which CF had intervened with Afghan police after the beating of a detainee by Afghan interrogators. General Natynczyk had told the Committee that, in his assessment, the individual had been detained by Afghan police and had not been transferred by CF.

¶3. (U) At his press conference the next day, General Natynczyk stated that he had that morning received "new information" confirming that CF had taken the individual into custody before turning him over to the Afghans, although it remained unclear whether CF ever officially processed the man as a CF detainee. Reading from field notes, he said that CF had photographed the man prior to the transfer to ensure that, if Afghan police assaulted him "as had happened [with prisoners] in the past," CF would have a record of his condition. The correction contradicted repeated assertions by Defence Minister MacKay that there was not "a single, solitary proven allegation" of abuse involving a prisoner turned

over by CF. General Natynczyk insisted that he was personally responsible for the error in misinforming Parliament, and "I am accountable for it today." He announced that he would convene a military board of inquiry to investigate the matter, including why the information took so long to reach his office, and would seek a report "fast, fast."

STAYING THE COURSE

14. (U) In the later daily parliamentary Question Period and again on December 10, all three opposition parties praised the "integrity, courage, and honor" of General Natynczyk and the CF but questioned the honesty, trustworthiness, and integrity of Minister MacKay. Liberal leader Michael Ignatieff charged that the emergence of credible proof of transfer of detainees to abuse "in at least one case" and Minister MacKay's "changing story" had undermined public trust in the Minister. All parties demanded MacKay's resignation as well as a public inquiry "to get to the bottom of the matter." They complained that a military board of inquiry would be "insufficient." In response, PM Harper and Minister MacKay repeatedly insisted that the government and the CF had acted appropriately, that -- where credible evidence of abuse existed -- the government had acted, and that "the government is

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going to stay on course and continue to back our military." Minister MacKay insisted that the military board of inquiry should be allowed to "do its job" and repeatedly tried to spin the opposition demands and questions as a lack of support for the CF.

"NO ONE TURNED A BLIND EYE"

15. (U) Minister MacKay made a previously scheduled appearance before the House of Commons' Special Committee on Canada's Mission in Afghanistan (AFGH) later the same day, along with Foreign Minister Lawrence Cannon and former Defence Minister Gordon O'Connor (now Chief Government Whip). In his prepared statement, Minister MacKay underscored that "no one ever turned a blind eye" to abuse and that the Government of Canada "has never been complicit in torture or any violation of international law by willfully allowing detainees taken by the CF to be exposed to abuse." O'Connor testified that he had visited Afghanistan on four occasions in 2006 and 2007, including visits to Afghan prisons, and insisted that "at no time" did anyone inform him of abuse of detainees transferred by CF. Opposition members had only limited opportunity to grill the ministers, since mandatory votes in the House of Commons twice cut the meeting short, prompting opposition members to allege that the government wanted to hamper their investigation. Minister Cannon highlighted C\$7.7 million in assistance to Afghan correctional reform since the Conservatives took office in 2006, as well as another new grant of C\$21 for rule of law projects in Afghanistan.

THREE DETAINEE PROBES

16. (U) The AFGH probe is one of three investigations already in process, or pending, into the Afghan detainee controversy. Opposition MPs (who outnumber government members on the AFGH) may try to force the AFGH to continue to sit through Parliament's holiday recess, which begins December 11. (The House of Commons will not return in session until January 25.) The Military Police Complaints Commission (MPCC) has conducted an ongoing investigation since 2007 into complaints by two human rights groups, which allege that Canada has handed over prisoners in Afghanistan to certain torture in violation of international law. CDS Natynczyk will

separately convene a military board of inquiry into the 2006 detainee transfer incident.

GOVERNMENT SUPPORT REMAINS STEADY

¶7. (U) According to a new EKOS poll, 83% of respondents believe that the government was aware there was a strong possibility that prisoners turned over to Afghan custody would be tortured. This finding was constant across all gender, age groups, and regions. However, the results also suggested that many Canadians remain undecided on the government's handling of the controversy: 41% were satisfied with the government's level of transparency and disclosure regarding the alleged torture of prisoners, while only 24% were dissatisfied. Thirty-five percent had no opinion. Nationally, Conservative support dipped slightly to 35.6% (from 36.9%) in a late November EKOS poll. The Conservative decline did not result in higher support for the Liberals, who slipped to 26.5% (from 27.1%), while the New Democratic Party (NDP) rose slightly to 16.7% (from 15.3%).

¶8. (SBU) Comment: General Natynczyk's somewhat confusing corrective to the detainee narrative has circumscribed the government's ability to contain the controversy, which so far centers around only one report of a specific allegation that Afghan authorities, after a joint operation with the CF, beat one Taliban suspect with shoes. As in the case of post-2011 Canadian plans for Afghanistan (reftels), public interest is extremely limited, and confidence levels in the PM and the Conservatives remain relatively high. PM Harper is unlikely to throw Minister MacKay to the opposition wolves, and their "demands" for his dismissal probably ensure that MacKay will keep his job, at least

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for now. Absent more "smoking guns" of specific abuses, the government is also unlikely to call a public inquiry, which have historically taken a corrosive toll on the popularity of sitting governments. The Parliamentary recess affords the Conservatives a chance to get back on track and reformulate the government's strategy, which has yet to address the central political issue -- of what the government knew and when - in this affair.
JACOBSON